



## Lamoine Board of Selectmen Minutes of March 23, 2006

Chair Jo Cooper called the meeting to order at 7:03 PM

Present were: Selectmen Brett Jones, Perry Fowler, Cynthia Donaldson, Josephine Cooper; Administrative Assistant Stu Marckoon, Planning Board Secretary Michael Garrett, Code Enforcement Officer Dennis Ford, Fire Chief George "Skip" Smith, CTV Technician Merle Bragdon, and members of the public Catherine DeTuede, and Bob Alvarez. Selectmen Richard Fennelly Jr. had informed the board he was unable to attend.

**Agenda Review** – Cynthia asked to discuss the stump grinding issue at the end of the meeting.

**Consideration of Minutes – March 9, 2006** – Jo moved to approve the minutes as presented. Perry 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Consent Agreement with Ronald Simons** – Stu said Mr. Simons showed up at the wrong time for the last meeting and left when no one was here. He said Mr. Simons signed the agreement the next day. Cynthia asked if the Board agreed to the agreement last meeting. Jo said they did. The Selectmen signed the agreement.

**Agreement with J. Tweedie re: Shoreland & Land Use violations** – Stu said Ms. DeTuede was meeting with CEO Ford at the moment. Cynthia asked what role the Selectmen play. Perry said the Selectmen are the only body that can impose fines. He said the Planning Board has to OK the permit. The board delayed any further discussion until Ms. DeTuede could return to the meeting room.

**Fire Station Roof** – Fire Chief George Smith said when he submitted the budget he also submitted the long term major needs, including a roof. He said the roof suffered major damage this winter. He said it might be able to be repaired and get by for a while. Perry asked if the problem was the fiberglass shingles. Chief Smith said yes. Perry asked if the manufacturer would do anything about replacing them. Chief Smith said he didn't think so, but he would explore that option. Jo asked if the shingles were purchased from EBS. Chief Smith said he thinks so – they were purchased through Ray Builders.

Chief Smith said he's inquired on the price of new shingles. Perry asked if he's explored metal roofing. Chief Smith said he had not. Perry said if new shingles are put on, the old ones must be stripped and disposed of. He said a metal roof could go on over the shingles. He said labor, disposal and longevity of a metal roof might make it cost effective. Chief Smith said he was not opposed to a metal roof, but the possibility of sliding snow next to the school could make it dangerous. A short discussion followed.

Jo asked Chief Smith what the ballpark figure might be. Chief Smith said if it were put to bid, probably around \$16,000. He said he got that estimate from EBS, which includes labor and disposal. Jo asked about the logistics since the budget has already been approved. Stu said a special town meeting is required, and the Selectmen could either ask for it to be raised from taxes with an LD-1 override or from surplus.

Cynthia asked when the roof was last done. Chief Smith said when the fire station was built in 1991. He said the fiberglass shingles have lasted longer than most anywhere else. Cynthia asked how long the next roof might last. Chief Smith said 25-to-30 years. Jo said the chief should draw up an ad for specification for the project, including disposal. Perry asked the chief to get some figures. A short discussion followed on timing. Chief Smith asked what the next step would be. Jo said the specifications.

**Agreement with J. Tweedie re: Shoreland & Land Use violations** – Jo said Ms. DeTuede had provided the Board with a history of what happened in regard to the violation. Cynthia asked how the Board got to this spot. Stu said the reason it's before the board is because the Selectmen are the ultimate enforcement authority. He said Dennis Ford had issued a notice of violation that asked that permit be sought and that a consent agreement be pursued with the Selectmen.

CEO Ford said he got a call from Ms. DeTuede that the cottage on her father's property was rebuilt. He said it started as a legal renovation, but they discovered carpenter ants, so rebuilt the whole structure without a permit. He said when she was aware she needed a permit, she called him. He said Ms. DeTuede has submitted an application, and the Planning Board has to handle the permit. He said he didn't see any problem with them issuing it.

Perry asked if the repairs went beyond renovation. Michael Garrett asked if it went over the line in the ordinance of 50%. CEO Ford said yes, it was a reconstruction of a non-conforming building. Mr. Garrett asked if it was permissible. Perry asked if it was less non-conforming. CEO Ford said yes. Jo said she appreciated Ms. DeTuede being open. CEO Ford said he felt it was an honest mistake. Jo said sometimes there are other problems. She asked for suggestions. Stu said generally in cases like this the consent agreement has been a double permit fee.

Perry asked if the Planning Board would have allowed this project. Dennis said he could see no reason not to. Jo said if it goes to the Planning Board and the board says no, that's a different story and they might have to remove the building. Perry said if they deny, she wouldn't have to buy the permit. Perry said the Selectmen should address what the double permit fee is. Jo asked if that was agreeable to Ms. DeTuede. Dennis said she got the paperwork in on time. Perry said if it's OK they would pay a double permit fee. A short discussion followed on the process.

Jo said the Selectmen could impose a fine now or wait. Ms. DeTuede said her father was out of the country and won't be back until April 15<sup>th</sup>, after the next Planning Board

Meeting. She said he could not be present until the May meeting. Perry moved to table a decision on any fine/consent agreement until after a decision from the Planning board. Dennis said the reason to meet tonight was in regard to the Notice of Violation. Jo said Ms. DeTuede has done the right thing. Ms. DeTuede said it was because she did the wrong thing. Cynthia said she was uncomfortable about judging motives. She said that's why there are ordinances. Brett asked if that means there's a need for a mandatory minimum fine. Cynthia said that's not a bad idea. Jo said it's a judgment call that comes with the territory. She said a double permit fee is pretty basic and the Selectmen need to do this in a fair way. Perry said he could see Cynthia's point, but if that becomes the standard, then a violation become fairly inexpensive. Cynthia said it might be better to discuss this outside of this issue.

Jo asked Ms. DeTuede if her father needed to be present for the Planning Board session. Ms. DeTuede said he would want to be there. Stu said he's not required to be present. A short discussion followed on when to meet. Perry said the contractor could meet with the Planning Board. Brett 2<sup>nd</sup> Perry's motion to table until the Planning Board decision. **Vote in favor was 4-0.** Jo explained the next step to Ms DeTuede. Mr. Garrett suggested that no work be done until action is taken. Dennis said he could make a stop work order. Jo said he should do that.

**Policies – Excise Tax Analysis Policy** – Stu said he would recommend passage, as the report is useful and easy to generate. Jo moved to approve, Perry 2<sup>nd</sup>. **Vote in favor was 4-0.** Cynthia asked that the computer file name be put on the bottom of the policies. Stu said they're pretty easy to find in the computer.

**Computer Security Policy** – Jo moved to approve this policy. Perry 2<sup>nd</sup>. **Vote in favor was 4-0.** A short discussion followed about backups.

**General Fiscal Policies-** Stu suggested holding off on approval until the board had a chance to review the policy proposal. No action was taken.

**Disposal of Town Property-** Stu said he researched the town meeting minutes back to the early 1980's following Mr. Alvarez's assertion at town meeting that there was a \$2,500 limit. He said he could not find anything. A short discussion followed on whether it was an ordinance or a resolve at a previous town meeting, possibly in the 70's. Stu noted the resolve passed at the March 2006 town meeting sets the limit for disposal by Selectmen at \$1,000, and that goes from year to year. Perry noted that the intent of the article was to sell things more readily without putting it out to bid or town meeting. Mr. Alvarez said the more stringent policy would apply, and the \$1,000 limit makes his argument a moot point.

**Cell Phone Tower** – Stu said he had communicated with a man scouting for tower sites with Cingular. He said he talked to him this afternoon, and they're interested in getting the GPS coordinates, which he'll get tomorrow. Brett said there could be concerns about cutting trees and widening the road going to the top of the hill to the east of the landfill.

**Contract with Pine Tree Waste** – Stu said there has been no communication from Pine Tree, though he had called a couple days ago.

**State Valuation** – Stu said the latest version was down slightly for the 2007 valuation.

**Personal Property Repeal** – Stu said there was not much information on legislative action.

**Ballot Clerks** – Stu said the Democrats had submitted their list, but the Republicans had not. He said unless the Selectmen had an objection to the Democrat names, they would be the official list with the Town Clerk.

**Road Name – Lobster Pound Road** – Perry asked if Seal Point Road goes to the Alvarez House and the newly named road goes to the Lobster Pound. Stu said that was correct. It was asked if the people who live on the road were consulted. Stu said he asked Mr. Alvarez who owns the road. A short discussion followed on numbering, and how it was originally numbered. Mr. Alvarez said it was a logical name that Stu had suggested to him. Jo moved to accept the name. Perry 2<sup>nd</sup>. **Vote in favor was 4-0.**

**MDOT List** - Cynthia asked about the 2004 list. Stu explained about what was submitted. Jo said she was interested in the safe routes to school grant program. Stu explained the MDOT asked for priorities every two years, and then they don't do what's asked. Perry asked if the area by Paul Hodgkins' house on Route 204 was fixed. Stu said it seems to be working. Jo said it was a lot better, but it was hard to tell.

Stu said there was discussion by the board about widening the shoulders. Jo said wider shoulders should be added to the list. She said she would like to talk to the MDOT about widening those shoulders for bike traffic. Brett asked if that was between Lamoine State Park and Lamoine Beach. Jo said she'd like to see it all the way from Route 1. Stu noted the newer part has wider shoulders.

There was a short discussion about the condition of the road from Latona Lane to Lamoine Beach which has started to break up after last summer's paving already. Jo said some parts of the new section are already deteriorating, and there are parts bikers want to dodge. Mr. Alvarez said the banks of Route 184 are very steep and go into the road. He said it would be safer if those banks were cut back and the shoulders were cleared out, that would help.

Jo said she would like to pursue the bike lane issue. Stu said he's not sure he understands the MDOT sheet. Jo said she would also like to see a sidewalk between the school and Lamoine Corner. Stu said he would call MDOT tomorrow and find out, then fill in the sheet. Jo signed the sheet, and said she would explore the sidewalk grant.

**Limbs/Blowdown Cleanup** – Dennis said he would like to put to bid a cleanup of limbs and blowdowns along the roadsides, along with sweeping. There was discussion about

advertising in the newspaper and the scope of the work. Cynthia suggested that the projects should not exceed a certain amount.

**Lamoine Quarterly** – Stu said he's got three pages done thus far. Mr. Alvarez asked about outside articles. Jo explained that the article should relate directly to town business.

**Resolves** – Selectmen signed resolves honoring the following:

- ⇒ Lamoine School Cheering Team – State champions 2006
- ⇒ Lamoine Boys Basketball Team – Union 92 Champions 2006
- ⇒ Francis Murray, School Committee Member finishing service
- ⇒ Bonnie Marckoon, School Committee Member finishing service

**Expenditure Warrant 19** – Stu explained that he put a new column in the warrant report to indicate those bills that were paid by policy prior to the warrant or scheduled for payment on the bill pay program. A brief discussion followed on streetlights. Selectmen signed the warrant in the amount of \$53,641.16.

**Cash & Budget Report** – There were no questions about the budget report

**Checking Account Review** – Cynthia asked about grant expenditures. Stu said he accounts for them in a payable account, and the expenditures appear on the warrant. Selectmen signed the statement expressing satisfaction with the review.

**Board Goals** – Jo said she would prefer to wait until Selectman Fennelly was present.

**Other** – Stump Grinding – Cynthia asked if the baseline report from Gott/SW Cole had been received. CEO Ford said he got an initial reading, but it did not have the information required by the permit. Stu said he spoke to Steve Salsbury and was told SW Cole did the test and they were trying to find the data. He said he would remind Mr. Salsbury. Mr. Garrett said they were also supposed to provide a construction timetable.

Land Sale- Mr. Alvarez said he looked at the plans for the Gott purchase after it was defeated by town meeting. He said he thinks there is a lot of gravel left on that land. He said the town should be aware there is a lot more left there. He said the area by the McDevitt pit was never dug, and there are woods still on it. He said he thinks there is about a half million dollars worth of gravel there. Perry asked if it was good gravel. Mr. Alvarez said he thinks so. Brett said they were told it was wetlands. Perry said Gott ran into blue clay there, and no one would know for sure unless a test bore was done. (The phone rang, Stu answered, and it was John Wuorinen urging the Selectmen to conduct a survey of the land in question.

Brett said finalization of the contract still hasn't been completed. Mr. Alvarez said it should be surveyed by someone independent. She recommended the Sewall Company and said they often work with Mr. Salsbury. He said it's a good idea to trust but verify. Jo said she's not opposed to seeing what that might cost. Mr. Alvarez said the town

would want to find out how many cubic yards have been removed and how much is left. Jo said the town could ask Sewall for an estimate. Mr. Alvarez said until that is done, he doesn't think this will rest. Stu asked what exactly it was that is wanted from Sewall Company. A short discussion followed.

Mr. Alvarez said he would favor selling the land and having the town out of the gravel sales business. Cynthia said she would like to know first what the land is like and what potential uses there could be for it. Stu asked again what it was the Selectmen wished to ask the Sewall Company. Jo said an estimate to take inventory of the lot. Another short discussion followed. It was agreed to ask what it would cost to inventory, though the boundary is difficult to define. Selectmen asked that this be on the next agenda and possibly invite someone from the Sewall company to attend.

**Next Meeting** – The next regular meeting is scheduled for April 6, 2006.

There being no further business, the meeting adjourned at 8:32 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.